



Legislative Update

February 4, 2022

GRA Legislative Agenda Items

Truck Size and Weight: Oppose any legislation that increases the allowable size and weight of truck carrying freight. Typically, advocates seek to revise O.C.G.A. 32-6-26 (g) (1), which allows for a weight increase and various radius distance increases for forest products, live poultry, cotton, feed, granite, raw ore or minerals, solid waste concrete or poultry. We are continuing to closely monitor this issue—although there are still live truck weight bills from last session, there has not been any movement on these bills yet this year, nor has there been any new legislation introduced so far this session.

Short Line Tax Credit: Last week Representative Mack Jackson (R-Sandersville) introduced [House Bill 1039](#), which would extend Georgia's short line tax credit through the end of 2028. GRA is supportive of any enhancements made to the current tax credit program, including an extension of the tax credit.

Two Man Crew: Oppose any legislation which would seek to require a train that is in use for the movement of freight to operate with at least two crew members. Similar legislation was introduced in the 2019 session. We are closely monitoring this issue, but no legislation has been introduced at this point.

Blocked Crossing: Oppose any bills that would prevent a railroad common carrier from authorizing the operation of a train that causes a road to be blocked for longer than 15 minutes. Similar legislation has been introduced in recent years. We are closely monitoring this issue, but no legislation has been introduced at this point.

Georgia 811: Oppose any legislation which would remove the Georgia 811 exemption for railroads, thereby requiring them to join Georgia 811, "call before you dig." Georgia code currently exempts railroads from mandatory Georgia 811 membership. Any attempts to change the law to make Georgia 811 membership compulsory for railroads would be harmful to the industry, as it would slow railroads down. We are closely monitoring this issue.

Overview of General Assembly

This week the Georgia General Assembly convened Tuesday through Thursday for Legislative Days 9 through 11. Much like last week, this week saw a flood of newly introduced bills and a robust committee schedule as House and Senate members continued to work to get their bills through the legislative process. Members have until March 15, which is Crossover Day, to pass their bills out of their assigned committees and out of the chamber in which they originated to keep their bills alive.

Topics debated under the Gold Dome this week ranged from expanding gun rights, to addressing mental health, to a [bill](#) which would authorize the hunting and trapping of raccoons and opossum year-round.

Next week, members will be back Monday, Tuesday, Thursday, and Friday for Legislative Days 12 through 15; Wednesday has been designated as a committee work day.

Data Privacy Act

One of the most widely discussed pieces of legislation under the Gold Dome this week was [Senate Bill 394](#), which was introduced by Senator Greg Dolezal (R-Cumming) last week. The bill is part of the Senate Majority Caucus's broader legislative priority of "standing up to big tech" and addresses the collection and sale of consumers' data by businesses. The provisions of the bill would apply to all businesses that collect consumers' personal information and businesses that have personal information collected on a business's behalf.

The business community has expressed concerns about a specific provision in the bill which would create a private cause of action for consumers against any company found in violation of the proposed new law. The bill, which has 25 Republican signers, has been assigned to the Science and Technology Committee, which is chaired by the bill's author, Senator Dolezal.

Gun Bills

There were several gun bills that passed Senate committees this week, the most widely discussed being Senator Jason Anavitate's constitutional carry, or 'permitless carry,' legislation, [Senate Bill 319](#). The bill, which was passed out of the Senate Judiciary Committee on Tuesday, authorizes a lawful weapons carrier to have a firearm in Georgia without a license. Anavitate clarified that the bill does not change the current restrictions or requirements as to who may own a gun or where a gun can be legally carried in the state.

Other gun bills that were passed out of the Senate Public Safety Committee this week include:

- [Senate Bill 259](#) by Rules Chairman Jeff Mullis (R-Chickamauga), which prohibits the creation of a database of individuals who have been issued or have applied for a carry license; prevents cities and counties from prohibiting the firing of a weapon on an area of land that is ten acres or more; and provides for the sale of confiscated firearms to bidders;
- [Senate Bill 277](#), also by Chairman Mullis, which extends the exemptions from carry laws for court officials to include carrying inside of a courthouse; and
- [Senate Bill 245](#), by Senator Randy Robertson (R-Columbus), which prohibits public officers from ordering the enforcement of federal acts regarding the right to keep and bear arms. In committee Senator Robertson said the legislation will protect local law enforcement agencies from having to carry out federal executive orders which would infringe upon citizens' rights to keep and bear arms.

Transgender Sports Ban

On Tuesday Senator Marty Harbin dropped [Senate Bill 435](#), which would prohibit transgender athletes from participating in school sports. It would ban a public or private school that competes with a public school from operating, sponsoring, or facilitating athletic programs that "permit a person of one gender to participate in an athletic program or activity designated for persons of the opposite gender."

The bill's list of 25 Republican signers includes President Pro Tempore Butch Miller (R-Gainesville) and the governor's three Senate Floor Leaders: Senator Bo Hatchett (R-Cornelia) Senator Russ Goodman (R-

Cogdell) and Senator Clint Dixon (R-Gwinnett). In his State of the State Address last month, Governor Kemp expressed his support for legislation that would “ensure fairness in school sports.”

Distracted Driving

This week the Senate Public Safety Committee took up [Senate Bill 356](#) by Senator Frank Ginn (R-Danielsville), which would allow drivers to use their phones while at a complete stop, including at a traffic light or stop sign. A substitute version of the bill clarified that drivers would be unable to use their phones while in stop-and-go traffic, even if they were at a complete stop. Committee members were divided on the issue, but public testimony was stacked in opposition—the Georgia Association of Solicitors General, Medical Association of Georgia, Montlick and Associates, Georgia Association of Chiefs of Police, State Farm, AAA, as well as both a former and the current Director of the Governor’s Office of Highway Safety all registered their opposition to the bill, which they said would weaken Georgia’s current distracted driving law. Chairman Albers ultimately opted to delay a committee vote on the measure and expressed his willingness to work with Senator Ginn to get the bill to a place where all parties would be in agreement.

Abortion Legislation

Senator Bruce Thompson’s (R-White) [Senate Bill 351](#) would require pregnant women to see a doctor in person to be able to obtain mifepristone, the abortion pill, and would require pregnant women to sign an informed consent authorization form which would state, among other things, that medication abortions can be reversed. Another provision in the bill would create a private right of action in a case where a woman experiencing an adverse reaction to the abortion regimen showed up at a hospital’s emergency department for treatment and the emergency department did not properly execute the new reporting provisions.

ARPA Funding for Broadband

This week Governor Kemp and members of the Broadband and Infrastructure Committee announced 49 grants totaling \$408 million that will help more Georgians access faster and more reliable broadband. The Broadband and Infrastructure Committee, which was made up of legislators and state agency executives, has been working for months to review and score applications to determine how to most effectively allocate federal American Rescue Plan Act (ARPA) dollars to improve broadband in Georgia. The announcement of awards from the two other committees, the Negative Economic Impact Committee and the Water/Sewer Infrastructure, are forthcoming. You can view the full list of Broadband ARPA award recipients [here](#).

Mental Health

Addressing mental health policy has remained an overarching theme and a legislative priority for many under the Gold Dome this week—there were a number of mental health-related bills introduced following last week’s announcement by Speaker Ralston of a comprehensive mental health reform bill that he will be carrying this year, [House Bill 1013](#):

- [Senate Bill 403](#), by Senator Ben Watson (R-Savannah), which creates a ‘co-responder program,’ which is a partnership between a community service board and law enforcement agency which uses the combined expertise of peace officers and behavioral health professionals on emergency calls involving mental health crises to de-escalate situations and help link individuals to appropriate behavioral health services;

- [House Bill 1065](#), by Representative Marvin Lim (D-Norcross), which revises procedures regarding emergency involuntary treatment for mental health and alcohol and drug dependency;
- [House Bill 1069](#), by Representative Bruce Williamson (R-Monroe), the “Adult Mental Health Services Licensing Act;”
- [House Resolution 647](#), by House Majority Whip Matt Hatchett (R-Dublin), which urges the Department of Community Health to apply for federal approval to allow institutions for mental illness to qualify for Medicaid reimbursement; and
- [House Resolution 651](#), by Representative Shelly Hutchinson (D-Snellville), which creates the House Study Committee on Evaluating, Simplifying, and Eliminating Duplication of Regulatory Requirements for Mental Health and Social Service Providers.

An existing piece of mental health legislation, [Senate Bill 342](#), passed out of the Senate Insurance and Labor Committee this week. Senator Kay Kirkpatrick’s (R-Marietta) bill would impose annual reporting requirements for healthcare plans to ensure they are compliant with mental health parity. In testimony for the bill, the Medical Association of Georgia asserted that copays for psychiatric care should not be higher than the copays for other medical doctors and that psychiatric appointments should not need referrals if referrals are not required for other medical conditions. The bill is set for a Senate floor vote on Monday, which is Legislative Day 12.

Parents’ Bill of Rights

This week three “Parents’ Bill of Rights” bills were introduced: [Senate Bill 449](#) by Senator Clint Dixon (R-Gwinnett), [House Bill 1158](#) by Representative John Carson (R-Marietta), and [House Bill 1178](#) by Representative Josh Bonner (R-Fayetteville). Senator Dixon and Representative Bonner, who are both Floor Leaders for Governor Brian Kemp, dropped identical versions of the bill; the legislation is a priority for the governor this year, who touched on the issue in his State of the State Address during the first week of the session.

Senate Bill 449 and House Bill 1178 seek to prevent schools and governments from interfering with the right of parents to direct the upbringing and education of their children by enumerating some of parents’ specific rights, including but not limited to the right to review instructional materials and the right to access all of their children’s records at school. In addition to greater access to information and more transparency for parents, the bill also seeks to facilitate more parent involvement in schools. Representative Carson’s bill, which is modeled after Florida legislation, is largely similar to the governor’s floor leaders’ bills, but also includes specific provisions to protect parents’ rights to make healthcare decisions for their children, presumably to address many parents’ concerns regarding schools’ handling of COVID.

APRNs

[House Bill 430](#), by Representative Alan Powell (R-Hartwell), was taken up by the House Regulated Industries Committee this week. The bill allows for the licensure of APRNs in Georgia and grants APRNs the ability to issue handicapped permits. Current law allows an RN to obtain an authorization to practice to become an APRN; the bill would create a specific license for APRNs. The bill, which has already received Georgia Occupational Regulation Review Council (GORRC) approval, seeks to help address the nursing shortage in the state.

Legislator Updates

Representative Matt Dollar (R-Marietta) announced on Tuesday that he was resigning his seat effective immediately and that he would be taking the position of Deputy Commissioner of the Technical College System of Georgia. His announcement came just days after he successfully passed [House Bill 841](#) out of the House, which would create the city of East Cobb. Dollar's seat could remain unoccupied through the end of the 2022 session since an election for the now-vacant House District 45 will not take place for 30 to 60 days.

Representative Mike Wilensky (D-Dunwoody) announced this week that he will not be seeking reelection in November. Restaurateur Long Tran of Dunwoody announced he would run for Wilensky's seat, which includes parts of Chamblee, Doraville, and Dunwoody.